IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 15152 of 2002

Between:

Vikranat Aloysious D'cruze, S/o John Francis D'cruze
R/o.H.No.3-4-835/1, Flat No.202,
Moghal Millinium Apartment, Barkatpura,

Hyderabad. .... PETITIONER

AND

1 Convenor, EAMCET-2002 (Admissions), J.N.T.U.,
S.V.Bavan, Masab Tank, Hyderabad-28.
2 Government of Andhdra Pradesh, rep.by its
Principal Secretary, Education, Secretariat, Hyderabad.
3 Revenue Divisional Officer, Hyderabad.

4 Miss Mega Dominica Mieur D/o Mrs.Joseophine Mieur,

C/o Convenor, EAMCET-2002 (Admissions), S.V.Bhavan,

Masab Tank, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, directing the first respondent to allot the seat reserved for Anglo-Indian community to the petitioner by setting aside the allotment to the fourth respondent and further declare the rejection of the petitioner's candidature as illegal and arbitrary.

Counsel for the Petitioner : Mr.C.NAGESWARA RAO

Counsel for Respondent No.1 : Mr.K.RATHANGAPANI REDDY, SC for JNTU

Counsel for Respondent No.2 : G.P. FOR HIGHER EDUCATION

Counsel for Respondent No.4 : Mr.C.SRINIVASA BABA

The Court made the following :

ORDER:

This writ petition is filed seeking a direction to the first respondent to allot the seat reserved for Anglo-Indian community to the petitioner by setting aside the allotment to the fourth respondent.

The case of the petitioner is that he belongs to Anglo Indian Community and a Roman Catholic Christian by Religion and he secured rank No.10635 in the EAMCET examination conducted on 29.4.2002. He states that the Government of Andhra Pradesh reserved one seat in Engineering course and one seat in Medical course for the Anglo Indian Community vide G.O.Ms.No.172 dated 14.6.1994 duly amending the EAMCET admission rules contained in G.O.Ms.No.184 dated 20.8.1993. He further states that the Convenor, EAMCET vide notification dated 24.7.2002 has stated that the Anglo Indians have to obtain a certificate from the Revenue Divisional Officer or a Sub-Collector. The petitioner states that in spite of his best efforts, he could not obtain the certificate of the Revenue Divisional Officer and he could obtain the certificate from a nominated MLA who belongs to Anglo Indian Community and along with the said certificate of MLA, he attended the counseling. The petitioner further states that though he attended the counseling, his candidature was rejected and the fourth respondent was allotted the seat who secured the rank of 53037, far less than the rank of petitioner. Aggrieved by the same, the present writ petition is filed.

Counter affidavit has been filed on behalf of first respondent. It is stated in the counter that as per G.O.Ms.No.357 dated 3.10.1994, the competent authority for issuing the Community Certificate is Revenue Divisional Officer and since the

petitioner failed to produce the Community Certificate from the competent authority, his candidature was not accepted. It is further stated that the fourth respondent though secured rank No.53,037, has produced the community certificate issued by the competent authority and therefore, she was allotted the seat.

Government of Andhra Pradesh issued G.O.Ms.No.357 Education (EC.2) Department dated 3.10.1994 for reservation of seats for the Anglo Indian Community into the professional courses. The G.O. also prescribes the procedure for issuance of community certificates in respect of Anglo Indians. Para 2 under the said procedure, reads as under:

> "AUTHORITY COMPETENT TO ISSUE CERTIFICATE:
>
> Only a Revenue Divisional Officer not below the rank of RDO/Sub-Collector in whose jurisdiction the applicant claims nativity/permanent/ordinary residence is empowered to issue community certificate".

It is the admitted case of the petitioner that he did not produce the community certificate issued by the competent authority under the above G.O. at the time of counseling. Therefore, the action of the respondents cannot be found fault with.

The writ petition is devoid of merit and the same is accordingly dismissed. There shall be no order as to costs.

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N.V.RAMANA, J

Date: 23.6.2005

DA

To

1 The Convenor, EAMCET-2002 (Admissions), J.N.T.U.,
S.V.Bavan, Masab Tank, Hyderabad-28.
2 The Principal Secretary, Government of Andhdra Pradesh,
Education, Secretariat, Hyderabad.
3 The Revenue Divisional Officer, Hyderabad.

4 Two CCs to the G.P. for Higher Education, High Court Buildings, Hyderabad (OUT).

5 Two CD copies.